

Mail Stop Interference  
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Paper 1  
Filed 2 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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EDWARD L. TOBINICK,  
and ARTHUR JEROME TOBINICK,  
Junior Party  
(Patent 6,015,557),

v.

JUNMING LE,  
JAN VILCEK, PETER DADDONA,  
JOHN GHRAVEB, DAVID KNIGHT, and SCOTT SIEGEL,  
Senior Party  
(Applications 10/227,488 and 10/665,971)

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Patent Interference No. 105,621  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. ' 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           **Part B. Judge managing the interference**

2           Administrative Patent Judge Sally Gardner Lane has been designated to manage  
3 the interference. Bd. R. 104(a).

4           **Part C. Standing order**

5           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6 DECLARATION. The STANDING ORDER applies to this interference.

7           **Part D. Initial conference call**

8           A telephone conference call to discuss the interference is set for **2:00 p.m. on 8**  
9 **July 2008** (the Board will initiate the call).

10          No later than **four business days** prior to the conference call, each party shall  
11 file and serve (SO && 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
12 SO && 104.2.1, 120 & 204) the party intends to file.

13          A sample schedule for taking action during the motion phase appears as Form 2  
14 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
15 the conference call and to agree on dates for taking action. A typical motion period  
16 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
17 for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors: EDWARD L. TOBINICK, LOS ANGELES, CA;  
ARTHUR JEROME TOBINICK, LOS ANGELES, CA;

Involved Patent: 6,015,557, issued on 18 January 2000 from  
application 09/275,070, filed 23 March 1999

Title: TUMOR NECROSIS FACTOR ANTAGONISTS FOR  
THE TREATMENT OF NEUROLOGICAL  
DISORDERS

Assignee: None of record

Senior Party

Named Inventors: JUNMING LE, JACKSON HEIGHTS, NY;

JAN VILCEK, NEW YORK, NY;

PETER DADDONA, MENLO PARK, CA;

JOHN GHRAIEB, DOWNINGTOWN, PA;

DAVID KNIGHT, BERWYN, PA;

SCOTT SIEGEL, WESTBOROUGH, MA;

Involved Application: 10/227,488 ('488), filed 23 August 2002

Title: METHODS OF TREATING INFLAMMATION  
ASSOCIATED WITH NEUROGENERATIVE DISEASES  
WITH ANTI-TNF $\alpha$  ANTIBODIES

Involved Application: 10/665,971 ('971), filed 19 September 2003

Title: METHOD OF TREATING NEURODEGENERATIVE  
INFLAMMATION WITH ANTI-TNF ALPHA ANTIBODIES

Assignee: None of record

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party  
3 is responsible for initiating settlement discussions. SO & 126.1.

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5 **Part F. Count and claims of the parties**

6 Count 1

7 Claim 1 of Tobinick (6,015,557) or claim 3 of Le (10/227,488) or claims 1 of Le  
8 (10/665,971).

9 The claims of the parties are:

10 Tobinick: 1-47

11 Le '488: 4, 7-10, 32, 33, 37, 53-58, 60-65, 85, 87, and 88

12 Le '971: 1-3, 34, and 35

13 The claims of the parties which correspond to Count 1, and therefore are  
14 involved in the interference, are:

15 Tobinick: 1-3, 13, 14, 17-26

16 Le '488: 4, 7-10, 32, 33, 37, 53-58, 60-65, 85, 87, and 88

17 Le '971: 1-3, 34, and 35

18 The claims of the parties which do not correspond to Count 1, and therefore are  
19 not involved in the interference, are:

1 Tobinick: 4-12, 15, 16, 27-47

2 Le '488: None

3 Le '971: None

4 The parties are accorded the following benefit for Count 1:

5 Tobinick: US 09/256,388, filed 02/24/1999

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7 Le: US 09/756,398, filed 01/08/2001, now PAT 6,835,823

8 US 09/766, 535, filed 01/18/2001, now PAT 6,991,791

9 US 09/133,119, filed 08/12/1998, now PAT 6,277,969<sup>2</sup>

10 US08/570,674, filed 12/11/1995

11 US 08/324,799, filed 10/18/1994, now PAT 5,698,195

12 US 08/192,102, filed 02/04/1994, now PAT 5,656,272

13 US 08/192,861, filed 02/04/1994, now PAT 5,919,452

14 US 08/192,093, filed 02/04/1994, now PAT 6,284,471

15 US 08/010,406, filed 01/29/1993

16 US 08/013,413, filed 02/02/1993

17 US 07/943,852, filed 09/11/1992

18 US 07/853,606, filed 03/18/1992

19 US 07/670,827, filed 03/18/1991

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<sup>2</sup> According to USPTO records: (1) the involved '488 application is a continuation of 09/766,535 (535); (2) the involved '971 application is a divisional of 09/756,398 (398), and (3) the '535 and '398 applications are both divisional of 09/133,119.

### Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO & 106.1.1:

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**V.**

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Patent Interference No. 105,621

(Technology Center 1600)

## Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

1 /Sally Gardner Lane/  
2 Administrative Patent Judge  
3  
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5 Enc:

6 Copy of STANDING ORDER  
7 Copy of U.S. Patent 6,015,557  
8 Copy of claims of 10/227,588 and 10/665,971  
9

10 Revised 3 January 2006  
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12

13 cc (via overnight delivery):  
14  
15

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